

APPENDIX B
Submitted Written Public Comments*

(Additional Written Public Comments from the October 5, 2004 Meeting may be
found on the 911 Environmental Action Website:
<http://911ea.org>)

***THE FOLLOWING PUBLIC COMMENTS WERE RECEIVED AT THE
EXPERT TECHNICAL PANEL REVIEW MEETING #7. NOTE, THE
MEETING IS NOT A PUBLIC HEARING TO HEAR TESTIMONY, BUT
RATHER A TECHNICAL MEETING FOR EXPERT PANEL MEMBER
DISCUSSIONS WITH TIME SET ASIDE TO HEAR COMMENTS FROM THE
PUBLIC ON DISCUSSION TOPICS.**

The demolition of 130 Liberty threatens to be a disaster and no one will be able to say they weren't warned. Of the contractors, TCR has spoken of AHERA as though it were a health standard; Berger has boasted of removing PCBs in industrial settings, failing to point out that the standards for residential settings are more stringent; and Gilbane plans to remove highly contaminated materials by "cleaning" them then disposing of them according to business as usual protocols. But areas around the gash have already been 'cleaned' yet they remain highly contaminated. It is morally imperative for this panel to prevail on EPA to do its job vis a vis the demolition. And an independent monitor is also crucial.

'T was two days after history changed its direction
As radically as a plane veering off course
When mindful of Nasdaq and Dow's bottom line
the White House, through Whitman, declared the air 'fine.'

Returning to offices, schools and apartments
the residents, with baited breath having waited,
let out that breath in relief, not understanding
that they'd have done better to have kept it baited.

For who would have thought under such circumstances
the White House would lie, and to such a degree?
Americans couldn't begin to believe
that their leaders might murder them; call them naive.

They ignored the foul odor as harmless if gross
like their symptoms the experts said would go away
and armed with the buckets doled out by Red Cross
they cleaned up their apartments that looked like Pompeii.

A year later, confronting rage and litigation
from people who said, 'We should not have returned,'
EPA, in a gesture of faux introspection,
came out with a document called "Lessons Learned."

However the residents weren't appeased
EPA and the White House kept feeling the heat.
So they set up a panel of experts to keep
the community busy and off of the street.

Two more buildings now face demolition and history
seems bent on repeating mistakes of the past.
Intercede, so years after this panel's adjourned
your memoirs need not also be called Lessons Learned.

2. The signature question presents a problem out of Philosophy 101: All signature dust may come from the WTC but that does not mean that all WTC dust necessarily contains the signature.

EPA Process Rag (song)

First you start out with asbestos.
That was all for which you'd test us
Return alarmingly obsessively
to testing modified aggressively.
Think of all that you can save
when one hand takes what the other gave.

Always remember whether May or December
Never ever clean up lead.

Keep the number of things you test for low
and the pace of progress very slow.

This environmental agency
recycles defunct programs endlessly.

If it fails, try two years later

Better than hiring an abator

2, 4, 6, 8

Time out to procrastinate

So dust off those protocols

Hepavac a few more walls

Return alarmingly obsessively

to testing modified aggressively

Think of all that you can save

when one hand takes what the other gave.

Always remember whether May or December

Never ever clean up

Do whatever you can dream up

but never ever clean up lead..... A year and a half more to go.

Will EPA stop doing its song and dance?

Jenna Orkin

World Trade Center Environmental Organization wtceo.org

**STATEMENT OF ROBERT GULACK, UNION STEWARD,
U.S. SECURITIES & EXCHANGE COMMISSION,
AT THE EPA TECHNICAL REVIEW PANEL**

FOR IMMEDIATE RELEASE

October 5, 2004

FOR MORE INFORMATION, CONTACT:

Robert Gulack, (201) 794-9322

Three years after we entered the Second World War, we had retaken France. It is now three years since al-Qa'ida attacked us, and the official position of the EPA is that it is still too early to talk about conducting testing in Brooklyn. In the words of Hillel, if not now, when? Why was it easier to get the Nazis out of France than to get the EPA into Brooklyn?

Ladies and gentlemen of the panel: We have spent eight months together, and, five minutes at a time, you've no doubt formed an impression of me. I am always loud, and very often intemperate. I want to apologize if I have personally offended anyone. I hope you understand that I speak with such passion not on my own behalf but because hundreds of my colleagues are still trapped in a contaminated building, and they are continuing to tell me every day that they are being made sick. I know you understand that every word I have said has come to you from my heart, and that every word that I have said I have uttered in defense of my country, and in order to do my duty as an American. I have a little boy with a touse of red hair. I have a little girl with blue and green eyes just like her mother's. They live in New Jersey, where they are safe, for the moment, from President Bush and the EPA. If this issue did not merely concern my lungs, if it concerned the lungs of my children, then I would not be the retiring and moderate advocate that you have known. Then you would hear words from me that would melt walls. Then you would hear me pray, in this moment, in this room, "God: reach down into the hearts of your servants on this panel, and give them the strength to stand up for the babies and little children of Brooklyn and Manhattan."

We have the honor and the responsibility to be citizens of a great nation, a nation that has done much for world democracy and may yet do more. Such a nation has the moral right to call on its young people to risk their lives in her defense. Such a nation also undoubtedly has the moral right to call on its scientists and doctors to put whatever is necessary on the line in order to stand up for innocent lives. When I came to my office as a federal attorney at 7 World Trade at 8:30 in the morning on September 11, 2001, I did not realize that I was walking onto the front line of a war, and that I would be forced to remain on that front line for more than three years. In just the same way, when you agreed to serve on this panel, you may not have realized that you were stepping up to the front line of a war. But there is no escaping the harsh fact. This is a war, a war to save New York City from a continuing enemy attack, and in this room, at this moment, we are on the front line, and the White House and the EPA are the enemy. The helpless citizens of New York, betrayed by their President, betrayed by their governor, betrayed by their mayors, implore us for aid and know we are their last line of defense. They know if we do not stop the White House and the EPA now, in October, in this room, there will never be adequate testing and there will never be decontamination.

If this White House and this EPA are returned to power, the last bit of leverage you have will be gone. If you think they are not listening to you now, wait till the middle of November. It is a mistake to think you can wait to go public. If Bush wins, the White House might easily choose to call off all testing and disband this panel, and might simply ignore any public outrage your subsequent protest might succeed in inspiring.

The White House and the EPA have prevented testing for the last three years. The EPA has wasted the last eight months of this panel with foolish and unacceptable suggestions. The EPA still refuses to test in Brooklyn. The EPA still refuses to act to compel landlords to permit testing. The EPA refuses even to supply a legal analysis of this issue. The EPA still refuses to test for an adequate list of COPCs. The EPA excludes mercury and dioxins based upon 2002 testing that was carried out on what the community has testified before this panel was an inadequate basis. These are the plain facts. For the White House and the EPA, the phrase “the sanctity of life” does not include the right of the unborn in New York to develop in a normal fashion.¹ For the White House and the EPA, the ideal we call “freedom” does not include the right of the American voter to know the scientific facts about 2001 before going to the polls in 2004.

At our July meeting, Dr. Liroy told me that he agreed with me that the legal staffs of the various environmental agencies should inform this panel as to the legal options for dealing with landlords who wished to hide their buildings from testing. The day after our July meeting, Krish Radhakrishnan was kind enough to call me and inform me that, with the appropriate authorization from Governor Pataki, his agency would have the right to test anywhere in New York City. At our September meeting, Dr. Liroy promised me he would look into getting the legal information for this panel. Dr. Liroy told me this morning that he had, in fact, referred this matter to the EPA. Why has nothing substantive come of all this, for four months? Why are we putting the sampling plan into the federal register in this truncated manner, without a discussion of our legal options? Why does Dr. Gilman keep referring to submitting this plan for community input when the community has already explained to you three times why this plan is unacceptable? Because this EPA testing proposal, as it now stands, is a fraud on its face – a proposal to waste time and money by allowing negligent landlords to hide so that the EPA can test clean buildings and find nothing.

At the very least, this panel should join with the community in demanding that the EPA make, by the end of October, a public commitment to adequate testing. If the EPA will not do that much, this panel should act together to communicate the plain facts of our situation to the media as promptly as possible. If we cannot give our citizens a safe city to live and work in, we can at least have the guts to tell them the truth about who has betrayed them.

¹ See Dr. Perara’s study discussed on Sept. 13, 2004, and G. Berkowitz, M. Wolff, T. Janevic, I. Holzman, R. Yehuda and P. Landrigan, “The World Trade Center Disaster and Intrauterine Growth Restriction” (letter) *JAMA* 290(5): 595-96 (Aug. 6, 2003).

To: EPA Panel

From: Caroline Martin, Family Association of Tribeca East

Hello again.

I am very disturbed to see in the Draft Proposed Monitoring Program document:

“The amount of research necessary to establish health-based benchmark concentrations in dust for the remaining decision-making COPCs precludes pursuing their derivation if the sampling program is to proceed in a timely manner.”

What has been going on all these months since April that we still do not have benchmarks and triggers for all the WTC COPCs?

Time is slipping away and this panel is being overcome (or at least by-passed) by events. LMDC want to start demolishing 130 Liberty this fall, and the single most useful thing this panel could do would be to determine benchmarks and triggers for the WTC contaminants. These benchmarks and triggers would be used to set the standards for the demolition of 130 Liberty, Fitterman Hall, and all other demolitions in the area, as well as for the testing and cleaning program. If this panel does not come up with the standards, they are going to be set by two testing companies and a construction company all working for LMDC.

The benchmarks and triggers are vital to anyone who thinks for one second that there will be another terrorist attack. The expertise of this panel is being wasted. Exactly how long will it take you to come up with benchmarks and triggers for WTC dust?

PUBLIC COMMENTS FROM OCTOBER 5 WTC PANEL MEETING

Good afternoon, this is Mary Mejia, occupational health specialist.

First Comment:

I want to request a more detailed explanation of the paragraph on page 10, document named Draft Proposed Monitoring Program to Determine Extent of the WTC Impact, and this paragraph starts with : “ If the signatures are not identified or their use proves unreliable” I also would appreciated if the draft’s author will sent this reviewed draft earlier through the Internet, so it will be enough time to study this proposal.

Second Comment:

I want to make another comment, in the GAO report, it will be important to include the WTC community health programs, and especially those which included, the Lower Manhattan community, as the Dr Joan Reibman’s study. Moreover, it is recommended to be more accurate when evaluating health programs as the WTC Health Monitoring Programs. It is inaccurate to include Health Screening Programs as Health Monitoring Programs because are different. For example, the Mount Sinai Hospital developed the WTC Worker and Volunteer Screening Program which ended on July 2004, and the new WTC Worker and Volunteer Monitoring Program which might start in October, information which is not contained on the GAO report. Therefore, it will be necessary to be again more accurate when giving information to the Congress, where public policy is approved. I hope it will be consider this important comment.

Thank you.